

R277-489 received final approval by the Utah State Board of Education on July 14, 2017. R277-489 is published in the August 15, 2017 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of September 21, 2017.

**R277. Education, Administration.**

**R277-489. Kindergarten Entry and Exit Assessment - Early Intervention Program.**

**R277-489-1. Authority and Purpose.**

- (1) This rule is authorized by:
  - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
  - (b) Section 53A-1-401, which permits the Board to make rules to execute the Board's duties and responsibilities under the Utah constitution and state law; and
  - (c) Section 53A-17a-167, which directs the Board to distribute funds appropriated for the early intervention program~~[and k-3 reading software program]~~ to LEAs that apply for the funds.
- (2) The purpose of this rule is to require LEAs to administer a kindergarten entry and exit assessment and establish criteria and procedures to administer the early intervention program~~[and the k-3 reading software program]~~.

**R277-489-2. Definitions.**

- ~~[(1) "Adaptive learning technology and assessments" means technology tools and software that adjust the presentation of educational material according to a student's weaknesses and strengths, as indicated by the student's responses to questions.]~~
- ~~[(2)]~~[1] "Early intervention program" means a program that provides additional instruction to kindergarten age students:
  - (a) as an extended period before or after school, on Saturdays, or during the summer; or
  - (b) through other means.
- ~~[(3)]~~[2] "Enrollment" means class enrollment of not more than the student enrollment of other kindergarten classes within the school.
- ~~[(4)]~~[3] "LEA plan" means the early intervention program plan submitted by an LEA and approved and accepted for funding by the Superintendent.

**R277-489-3. Administration of Kindergarten Entry and Exit Assessments.**

- (1) Except as provided in Subsection (2), an LEA shall administer:
  - (a) a kindergarten entry assessment, approved by the Superintendent, to each kindergarten student sometime within:
    - (i) three weeks before the first day of school; and
    - (ii) three weeks after the first day of school; and
  - (b) a kindergarten exit assessment, approved by the Superintendent, to each kindergarten student sometime during the four weeks before the last day of school.
- (2) A charter school that does not participate in the Early Intervention Program or the K-3 Reading Software Program described in R277-496 is not required to administer the kindergarten entry and exit assessments.
- (3) The days used for the assessment shall be consistent with Subsection R277-419-11(3)(e).
- (4) An LEA shall submit to the Data Gateway:

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(a) kindergarten entry assessment data by September 30; and

(b) kindergarten exit assessment data by June 15.

(5) In accordance with Section R277-114, the Superintendent may recommend action to the Board, including withholding of funds, if an LEA fails to provide complete, accurate, and timely reporting under Subsection (4).

#### **[R277-489-4. Adaptive Learning Technology Grants.**

~~———— (1) The Superintendent shall select one or more technology providers through an RFP to provide adaptive learning technology and assessments for reading for students in kindergarten through grade 3.~~

~~———— (2)(a) An LEA may apply for a grant for adaptive learning technology and assessments for reading for students in kindergarten through grade 3.~~

~~———— (b) An LEA that receive a license for adaptive learning technology in a previous school year shall be given a priority to receive an equivalent license in subsequent years.~~

~~———— (c) An LEA receiving funding for adaptive learning technology shall:~~

~~———— (i) conduct entry and exit assessments of participating students; and~~

~~———— (ii) submit an annual report that assesses the impact of the adaptive learning technology and assessments or adaptive computer programs for literacy instruction used by the LEA, including final testing data and student learning gain scores.~~

~~———— (3) The Superintendent shall report final testing data and student learning scores regarding adaptive learning technology and assessments or adaptive computer programs for literacy instruction by November 1 annually to the Education Interim Committee and the Governor.]~~

#### **[R277-489-5. Assessment, Accountability and Reporting.**

~~———— (1) An LEA shall use a state mandated uniform kindergarten entry assessment, approved by the Superintendent, with all kindergarten students.~~

~~———— (2) The days used for assessment shall be consistent with Subsection R277-419-11(3)(e).~~

~~———— (3) An LEA shall conduct an entry assessment within an administration window that is three weeks prior to the first day of school and within the first three weeks of kindergarten starting.~~

~~———— (4) An LEA shall submit entry assessment data to the Data Gateway by September 30 annually.~~

~~———— (5) An LEA shall complete a state-mandated exit assessment, approved by the Superintendent, during the last four weeks prior to the ending of the school year and report the results to the Superintendent by June 15 annually.~~

~~———— (5) The Superintendent may recommend action to the Board, including withholding of funds, in accordance with Rule R277-114, for an LEA that fails to provide complete, accurate, and timely reporting as required by this rule.~~

~~———— (6) A charter school, which does not receive early intervention program funds or k-3 reading software funds, is not subject to the assessment and reporting requirements of this Section R277-489-5.]~~

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**R277-489-[6]4. Use of Kindergarten Entry and Exit Assessment Data.**

(1) The Superintendent or an LEA may use entry and exit assessment data obtained in accordance with Section R277-489-[5]3 to:

(a) provide insights into current levels of academic [~~and social-emotional~~] performance upon entry and exit of kindergarten;

(b) identify students in need of early intervention instruction and promote differentiated instruction for all students;

(c) understand the effectiveness of programs, such as extended-day kindergarten and pre-school;

(d) provide opportunities for data data-informed decision making and cost-benefit analysis of early learning initiatives;

(e) identify effective instructional practices or strategies for improving student achievement outcomes in a targeted manner; and

(f) understand the influence and impact of full-day kindergarten on at-risk students in both the short- and long-term.

(2) An LEA may not use entry and exit assessment data obtained in accordance with Section R277-489-[5]3 to:

(a) justify early enrollment of a student who is not currently eligible to enroll in kindergarten, such as a student with a birthday falling after September 1;

(b) evaluate an educator's teaching performance; or

(c) determine whether a student should be retained or promoted between grades.

**R277-489-[3]5. Early Intervention Program.**

(1) The Superintendent shall accept applications from LEAs for early intervention programs delivered through enhanced kindergarten programs that satisfy the requirements of Section 53A-17a-167 and the provisions of this rule.

(2) The Superintendent shall establish timelines for submission of applications.

(3) An LEA application for early intervention program funds shall include:

(a) the names of schools for which program funds must be used;

(b) a description of the delivery methods that may be used to serve eligible students, such as:

(i) full-day kindergarten;

(ii) two half-days;

(iii) extra hours;

(iv) a summer program; or

(v) other means;

(c) a description of the evidence-based early intervention model used by the LEA;

(d) a description of how the program focuses on age-appropriate literacy and numeracy skills;

(e) a description of how the program targets at-risk students;

(f) a description of the assessment procedures and tools to be used by participating schools within the LEA; and

(g) other information as requested by the Superintendent and approved by the

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Board.

(4) The Superintendent shall distribute funds to eligible charter schools based on a formula identifying the percentage of students in public schools and the percentage of students with the greatest need for an enhanced kindergarten program consistent with Subsection 53A-17a-167(4)(a).

(5) The Superintendent shall distribute funds to eligible school districts by determining the number of students eligible to receive free lunch in the prior school year for each school district and prorating the remaining funds based on the number of students eligible to receive free lunch in each school district.

(6) The Superintendent shall establish timelines for distribution of early intervention program funds.

(7) The Superintendent shall require all funded programs to[:

———(a) ~~conduct entry and exit assessments;~~

———(b) ~~submit data as required by Section R277-489-5; and~~

———(c)] submit an annual report.

(8) An LEA may not require a student to participate in an early intervention program.

**KEY: early intervention**

**Date of Enactment or Last Substantive Amendment: August 7, 2017**

**Notice of Continuation: June 6, 2017**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401; 53A-17a-167**